

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenji Sato et al. (PCT/JP2004/003432)

Application No.: TBA

35 USC § 371 Filing Date: SEPTEMBER 20, 2005

For: PROTEOGLYCAN ISOLATED FROM CARTILAGINOUS FISH AND  
METHOD OF PRODUCING THE SAME

**PETITION TO ACCEPT 371 NATIONAL PHASE APPLICATION AS TIMELY  
FILED**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions under 37 C.F.R. § 1.10(e), the USPTO to accept the above referenced application as timely filed. While the fee check was cashed by the USPTO indicating receipt, no record of the filing documents can be located by the office and no post card was returned. Enclosed is a true copy of the filed 35 U.S.C. § 371 documents for PCT/JP2004/003432, along with a copy of our Express Mail slip and a copy of our cashed check for the filing fees. In addition, a second preliminary amendment is enclosed correcting the international application number in the priority claim of the specification in conformance with the original Application Data Sheet.

Respectfully submitted,



ALLEN E. WHITE  
REG NO. 55,727  
FULBRIGHT & JAWORSKI LLP  
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HOUSTON TX 77010-3095  
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Dated: March 29, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER HO-P03167US0
INTERNATIONAL APPLICATION NO. PCT/JP2004/003431	INTERNATIONAL FILING DATE 15 March 2004	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 2003-077778
TITLE OF INVENTION Proteoglycan Isolated From Cartilaginous Fish and Process for Producing the Same		
APPLICANT(S) FOR DO/EO/US Kenji Sato et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))        a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).        b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.        c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).        a. <input type="checkbox"/> is attached hereto.        b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))        a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> have been communicated by the International Bureau.        c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.        d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

EVA76769943794US

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 2003-077778		INTERNATIONAL APPLICATION NO. PCT/JP2004/003431	ATTORNEY'S DOCKET NUMBER HO-P03167US0	
20. <input checked="" type="checkbox"/> Other items or information: Application (28 pages) Drawings (7 sheets) Return Receipt Postcard				
The following fees have been submitted				CALCULATIONS
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300				\$ 300.00
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200				\$ 200.00
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500				\$ 500.00
TOTAL OF 21, 22 and 23 =				\$ 1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100 =	/50 =		x \$250.00	\$
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	11 - 20 =		x	0.00
Independent claims	1 - 3 =		x	0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360.00	360.00
TOTAL OF ABOVE CALCULATIONS =				\$ 1,360.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				
SUBTOTAL =				\$ 1,360.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$
TOTAL NATIONAL FEE =				\$ 1,360.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00
TOTAL FEES ENCLOSED =				\$ 1,400.00
				Amount to be refunded: \$
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- a.  A check in the amount of \$ 1,400.00 to cover the above fees is enclosed.
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A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-2375. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.



SIGNATURE

SEND ALL CORRESPONDENCE TO:

Melissa W. Acosta, Ph.D.  
FULBRIGHT & JAWORSKI L.L.P.  
Fulbright Tower  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
(713) 651-5407

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Melissa W. Acosta, Ph.D.

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**Atty Docket No.:** HO-P03167US0

**Reference:** UNIUS/10504601

**Inventor:** Kenji Sato et al.

**Application No.:** Not Yet Assigned

**Filing Date:** September 20, 200

**Title:** Proteoglycan Isolated From Cartilaginous Fish and Process for Producing the  
Same

**Documents Filed:**

Certificate of Express Mailing (1 page) Check in the amount of \$1,400.00

Transmittal Letter to the United States Designated-Elected Office (3 pages)

Application ( 28 pages) Application Data Sheet (4 pages)

Oath or declaration of the inventor(s) Drawings (7 sheets)

Assignment document for recording

Preliminary Amendment

Computer readable Sequence Listing

**Via:** Express Mail: Airbill No. EV 676994379 US

**Sender's Initials:** MWA/dr

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Application No. (if known): Not Yet Assigned

Attorney Docket No.: HO-P03167US0

## Certificate of Express Mailing Under 37 CFR 1.10

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Signature

Melissa W. Acosta, Ph.D.

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Transmittal Letter to the United States Designated-Elected Office  
(3 pages)  
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Oath or declaration of the inventor(s)  
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Preliminary Amendment  
Computer readable Sequence Listing  
Check in the amount of \$1,400.00



FULBRIGHT & JAWORSKI L.L.P.

VENDOR: 177075 Commissioner for Patents

APPR#	INVOICE#	DATE	AMOUNT	DESCRIPTION
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FULBRIGHT & JAWORSKI L.L.P.

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Fulbright Tower

1301 McKinney Suite 5100

Houston, Texas 77010-3095

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